

POLITICAL FACT AND LEGAL STATUS OF THE STATE OF MANIPUR IN BRIEF

Manipur remained as a Kingdom from the beginning of 33 A.D. until it became a protected native State of the British Government. As a protected State, the State remains with internal sovereignty under the suzerainty and crown paramountcy. A bilateral agreement was signed between two sovereign States, India — Empire of India and Manipur — State of Manipur on 1 and 2 July 1947 after the State was excluded from the India — Empire of India as declared by the Order in Council by His Majesty on 27 December 1947. Manipur continued as a constitution State from 1947 A.D. till today. As an excluded and established State, the Statehood of Manipur never disappeared. Manipur was a constitutionally and legally independent and sovereign State until being overthrown constitutional Government by the Indian Government on 15 October 1949, while British laws were enforced and operated in India until 25 January 1950. The independence of Manipur was restored from India on 14 March 2012 as it unilaterally declared independence from India by the Manipur State Council under international law. The Manipur State Council, which is the de jure Government of Manipur was formed under the Manipur State Constitution Act 1947 and Manipur State Administration Rules 1947 on 14 March 2012. Manipur is an independent and sovereign State that rules under the constitutional Monarchy.

The Princely State of Manipur and the British have shared history in a timeline manner from the beginning of 1762 A.D. until the end of the direct political relationship between the Crown and the protected State of Manipur on 14

August 1947. On 14 August 1947, the paramountcy was transferred to the Manipur State Council by a bilateral political agreement made between the Agent to the Crown Representative and Manipur State Darbar on 1 July 1947 and another agreement between His Majesty's Representative and His Highness the Maharaja of Manipur on 2 July 1947. The Crown paramountcy was in operation in India and Manipur until the end of 14 August 1947. The operation of paramountcy ends in India and Manipur by ceasing the Government of India Act 1935 in India since enforcing and operating the Indian Independence Act 1947 in India on 15 August 1947. India- Empire of India ruled by the British Government and the Crown up to 14 August 1947 under the Government of India Act 1935.

The Manipur State was a tributary and protected State of the British Government, and the State enjoyed favour and protection of the British Government, which is His Majesty's Government and a supreme government up to the lapses of paramountcy over the State on the day of 15 August 1947. The relationship between the Manipur State and the Crown was a political relationship and an extra-constitutional relationship.

1762 A.D.

Manipur and the British established a friendly relationship by signing a treaty known as the Anglo-Manipur Treaty on 14 September 1762.

1891 A.D.

About 128 years of friendly relationship with the British ended when war broke out between the British and Manipur, popularly known as the Anglo-Manipuri War of 1891. Manipur was defeated in this declared war. The British conquered

Manipur but did not annex Manipur to the British Empire. Manipur remained as a State with internal sovereignty, and the status of Statehood was not ending. The Foreign Department of the Government of India **declared that Manipur State was forfeited to the Crown**; the Kingdom [State] was also sentenced to pay a fine of Rs.2 50,000 and an annual penalty of Rs.50 000 as war compensation. Manipur State pays the annual tribute of Rs. 50,000 as war compensation to the British Government until His Majesty R.I. George VI [Albert Frederick Arthur George] has announced on 8 October 1945 that “In recognition of your Highness’s and your people’s services towards allies’ victory, the tribute of Rs. 50,000 payables by His Highness since 1891 is remitted perpetuity forthwith”. The relationship between the princely State of Manipur and Crown was a political relationship and an extra-constitutional relationship.

1935 A.D.

Her Majesty’s had graciously assented to re-establish a native ruling State. The Princely State of Manipur as an Indian State was ruled with internal sovereignty by the native King of Manipur by introducing the codified **Rules for the Management of the State of Manipur** since 14 September 1935 under suzerainty and paramountcy of the Crown. The Paramount power is not in a written document; therefore, it is in the abstract form of the Crown’s power. Paramountcy thus serious incursions into the internal sovereignty of the State. It is natural that rulers seek political practices in codification to rule the State. The **Rules for the Management of the State of Manipur** was embodied and codified by His Highness as a sovereign authority from the Crown paramountcy. The sovereign is the source of law. According to the Rules, F.F. Pearson was the President of the Manipur State Darbar, now the Manipur State Council, a

British Administrator, and G.P. Stewart remained as a Political Agent in Manipur until the formation of interim Council headed by F.F. Pearson as Chief Minister on 15 July 1947. The President of the State Darbar, F.F. Pearson, was subordinated to the Agent to the Crown Representative and the Political Agent G.P. Stewart was subordinated to His Majesty's Representative, who was the Governor of Assam. The State [Manipur State], the Maharajah of Manipur and his successor enjoyed the favour and protection of the British Government, which was the supreme government until the end of 14 August 1947. The system of the relationship between the State of Manipur, which is an Indian State, and the British Government depends entirely on the will and pleasure of the conqueror until it lapses the paramountcy over the State on the day of 15 August 1947.

1944 A.D.

Manipur experienced the Second World War; it was the last battlefield fight between the British forces and Japanese forces, properly known as the Battle of Imphal 1944. In the 1950s, the Cavalry Barracks in Yorkshire, England were renamed Imphal Barracks to reflect the battle honours won by the West Yorkshire Regiment at the Battle of Imphal in spring 1944 during the Second World War. World War II was characterized as a war of democracy against dictatorship. With the end of the Second World War on 3 September 1945, the United Nations Organization established on 24 October 1945 to maintain peace and security in the world. Britain, as a founder member of the UNO, respects the purposes and principles of the Charter of the United Nations Organization. With the establishment of the UNO, the British Government is considered to leave India--Empire of India and free **British India** as an independent India. After the Labour Party came to power in England on February 19, 1946, it was

immediately announced that a mission of three Cabinet Ministers would be sent to India. At the initiative of Clement Richard Attlee, the Prime Minister of the United Kingdom sent a statutory mission in March 1946 to India, consisting of Lord Patrick Lawrence, the Secretary of State for India, Sir Stafford Cripps, President of the Board of Trade, and A. V. Alexander, the First Lord of the Admiralty. However, Lord Wavell, the Viceroy of India, did not participate. The three Cabinet Ministers team arrived in India on 23 March 1946. The **Cabinet Mission Memorandum on States' Treaties and Paramountcy** was presented by the Cabinet Mission to His Highness, the Chancellor of the Chamber of Princes in India on 12 May 1946, and the same was accepted by the Chamber which was created the Chamber of Princes in 1921 as a consultative and advisory body. The General Conference of the Rulers of Indian States held on 26 January 1947 accepted the Memorandum of 12 May 1946. The Cabinet Mission Plan was also announced on 16 May 1946, and it was also accepted by the political leaders of British India and the Chamber of Princes. The Mountbatten Plan of 3 June 1947 was also accepted by the leaders of British India. Mountbatten Plan or His Majesty's Government Statement of 3 June 1947, decisions announced that the policy towards the Indian States contained in the Cabinet Mission Memorandum of 12 May 1946, remained unchanged.

In the Cabinet Mission Memorandum provided that His Majesty's Government will cease to exercise the powers of paramountcy, it means that the rights of the States which flow from their relationship to the Crown will no longer exist and that all the rights surrendered by the States to the paramount power will return to the States. The **political arrangements** between the States on the one side and the British Crown and British India on the other will thus be brought to an end. The void will have to be filled either by the States entering into a

federal relationship with the successor Government or Governments in British India, or failing this, entering into **particular political arrangements** with it or **them**. The political arrangement in India was made by the British sovereign under the policy of His Majesty's Government and British law.

As accepted the Cabinet Mission Memorandum of 12 May 1946 by the Chamber of Princes and political leaders of the Parties in British India, the authorities of His Majesty's Government initiated a process for a special political arrangement for the Princely State of Manipur. In the meantime, Manipur State has occurred recognition of special position as declared as an excluded area by an Order in Council by His Majesty on 27 December 1946.

The Manipur State does not remain a part of India [Indian Empire] since it was excluded from the India – Empire of India. As an excluded area or State, the administration of the Manipur State does not remain in the Indian Empire. The whole territory of Manipur is recorded at 8700 sq. miles in the area demarcated and delineated in the map of the Survey of India when the Manipur State was excluded from the India [Indian Empire] under Section 91(2) (a) and (c) of the Government of India Act 1935.

1947 A.D.

Without further delay, His Highness the Maharajah Bodhchandra, as a sovereign authority, enacted the codified Manipur State Constitution Act 1947 on 1 January 1947 for the governance of the State. The sovereign is the source of law. The Manipur State was immediately constituted and created by Section 9 (a) of the Manipur State Constitution Act 1947 and clearly defined that *State* shall mean the *Manipur State* comprising the whole territory of Manipur as

delineated in the maps of the Survey of India at the date of this enactment. It may refer to those laws that are not created by the State, but it is the laws that create the State, and every sovereign State that ever existed has had a constitution of some kind. It means that there can be no sovereign State without the constitution. One constitution creates one State means a sovereign State. As a sovereign authority, His Highness the Maharaja Bodhchandra further promulgated the codified Manipur State Administration Rules 1947 on 1 July 1947 for the administration of the State. The Manipur State Administration Rules 1947 provided a provision that “in the suppression of all the previous orders on this subject”. His Highness the Maharaja of Manipur had been pleased to promulgate the following rules for the administration of the Manipur State” and at Rule 1 significantly provided a provision that “the Rule comes into force from 1 July 1947 and shall override all previous rules”. The Manipur State Constitution Act 1947 and Manipur State Administration Rules 1947 were embodied and codified by His Highness the Maharaja of Manipur as a sovereign authority from the Crown paramountcy while the Crown paramountcy was in operation in Manipur. The Crown paramountcy was in operation in Manipur and India till the end of 14 August 1947.

As guided by the Cabinet Mission Memorandum and political policy of His Majesty’s Government, the Excluded State, Manipur State, entered into two bilateral political agreements with India-Empire of India on 1st and 2nd July 1947 prior to the assent of the Indian Independence Act 1947 by His Majesty on 18 July 1947 while the Crown paramountcy was in operation in the State of Manipur and India. It is an international agreement made between the two monarchal governments and between two sovereign States and nations. Each State deals with other States in international matters. The Manipur State

Constitution Act 1947 and Manipur State Administration Rules 1947 were enforced and introduced by the Agreement of 1 July 1947 made between His Excellency Governor of Assam, who is an Agent to the Crown Representative and a representative of the Government of India [Government of India by the Crown] with the Manipur State Darbar [Government of Manipur]. And further, the agreement of 2 July 1947 was made between two sovereigns as heads of the States by His Highness the Maharaja of Manipur and by His Excellency the Governor of Assam as His Majesty's Representative. His Majesty the King, Emperor of India, was the **common supreme authority** of the two sovereign States of India and Manipur. The Crown paramountcy naturally transferred to the Manipur State Council by virtue of the political agreement of 1 July and 2 July 1947. Under such circumstances and reasons, the bilateral agreements were not signed by the Governor of Assam, representing as an Agent to the Crown Representative and as His Majesty's Representative because everything got in codification from the Crown paramountcy. The political relationship between the monarchical governments, the Government of India by the Crown [Government of India] and Manipur State Darbar [Government of Manipur], was established on 1 July 1947 by signing a bilateral political agreement by the heads of the governments. The political relationship between the two Monarchic States of India—Empire of India and the Manipur—State of Manipur has also been sharing the external sovereignty of the State of Manipur since the day of 2 July 1947 by signing the bilateral political agreement by the sovereigns as head of the States. The external sovereignty of the State can be shared with other States, but the internal sovereignty of the State or State sovereignty cannot be shared. As a legal instrument, it is legally enforceable between the two States. A kind of legal and political protection is also signified and provided in the agreement for the future of the State [Excluded State] by

transferring the Crown paramountcy to the Manipur State Council. The political agreement of 2 July 1947 provided an article or provision that *Without prejudice to whatever agreement or treaty may in due course be arrived at between the Manipur State and the Union Government and till such time as an agreement or treaty is reached with the Union Government after the new State Constitution is introduced His Highness the Maharaja in Council agrees.* These two agreements are perpetual and irrevocable agreements. The administration of the State smoothly, orderly, legally, and constitutionally was taken over by the constitutional authority of the constitution State as well as the political transition taking place from the British Crown to the people of Manipur by enacting the Manipur State Constitution Act 1947 and by promulgating the Manipur State Administration Rules 1947 by His Highness as a sovereign authority while **Crown paramountcy was in operation in the State.**

The **suzerainty** of the Crown over the Manipur State lapsed after excluding Manipur from India on 27 December 1946, and with it, all treaties, agreements, orders, and rules also lapsed on the day of 1 July 1947. With the enforcement of the Manipur State Constitution Act 1947 on 2 January 1947 and the introduction of the Manipur State Administration Rules 1947 in the State on 1 July 1947 by the bilateral agreement of 2 July 1947, the absolute monarchy system ended in the State on the day of 30 June 1947. In the meantime, an **interim Council** was formed in the State under the Manipur State Administration Rules 1947. The British Administrator F.F. Pearson, who is the President of the Manipur State Darbar, was known as Chief Minister of the **interim Council** from the day of 15 July 1947 until the end of 13 August 1947 according to the Agreement of 1 July 1947. Furthermore, by order of His Highness vide Order No. 779-810 of 28.7.1947, the Manipur State Council headed by M.K.Priya

Brata was formed on 14 August 1947 as well as F.F. Pearson, the British Chief Minister of the interim Council, handed over and transferred the power to the Chief Minister, M.K.Priya Brata, who is a native of Manipur on 14 August 1947 at 8.00 am. His Highness the Maharaja of Manipur hosted the State flag at Kangla, the heredity Palace of Manipur, on 14 August 1947 at 8.00 am. Immediately, the Crown paramountcy was also transferred to the Manipur State Council as transferred by F.F. Pearson to the native Chief Minister. Therefore, a particular clause provided in Section 57 of the Manipur State Constitution Act 1947 that **Where in any case circumstances arise, which prevent the proper operation in law or spirit of this Constitution Act, the Council may at their discretion refer the matter for decision to such authority outside the State as may be decided hereafter and the decision of that authority shall be binding.** The independence of Manipur was rightly achieved on the day of 14 August 1947. The Independence of Manipur was gained from the British Crown and United Kingdom on 14 August 1947 by a bilateral agreement. Our independence was not declared because Manipur State was never a British colony. Capt. M.K. Priya Brata Singh was the Chief Minister of the Manipur State Council up to the day a constitutional government was formed in the State on the day of 27 November 1948. By order of the Political Agent in Manipur, G.P. Stewart had reverted the British Reserve in Manipur to the State authorities except the whole area known as Cantonments, the Babupara area and compounds of the Residency and Political Agent's Office at midnight of 14 August 1947, and he declared paramountcy lapses over the Manipur State in the presence of His Highness the Maharaja of Manipur at Residency and Political Agent's Office **at the midnight of 14 August 1947.** As an independent sovereign State, Manipur State **fully exercises internal and external sovereignty** over its territory. As lapses the Crown paramountcy over the Manipur State on 15 August 1947, the

Manipur State restored its lost sovereignty to the Crown, which was forfeited to the Crown on 18 September 1891 after being defeated Manipur by the British in the Anglo-Manipur War of 1891.

1948 A.D.

The first election of the Manipur State Assembly was held between 11 and 18 June 1948 in the Valley and 26 and 27 July 1948 in the Hills, as well as inaugurated a constitutional and democratic form of government in the State on 27 November 1948 after exercising franchise and suffrage of the people of Manipur under her own State Constitution Act 1947. Since 27 November 1948, Manipur has become a politically independent State, and a constitutional rule State, not ruling under the absolute monarchy system.

1948 A.D.

The Indian Independence (Miscellaneous Transitional Provisions) Order 1947 of the Gazette of India provided that the transitional period in India [political arrangement] means the period beginning on the 15 August 1947 and ending on the 31 March 1948.

1949 A.D. – 1950 A.D.

In violation of Section 9(5) of the Indian Independence Act 1947, India (Provisional Constitution) Order 1947, Order in Council of 1946, bilateral agreements of 1947 and India (Consequential Provision) Act 1949, M.K.Vellodi, Joint Secretary to the Government of India had passed the Manipur (Administration) Order 1949 on 15 October 1949. The order clearly expressed that “as from *15 October 1949*, the Ministers in Manipur State shall cease to function and the legislature of the State shall stand dissolved”, it is forcibly and

arbitrarily dissolved the Manipur State Legislature and immediately **prevented the spirit of the Manipur State Constitution Act 1947** which was introduced, enforced and inaugurated by the bilateral Agreements of the two sovereigns and the two monarchs. The constitutional Government of the State of Manipur was illegally and fraudulently overthrown or abolished by order of the Government of India, which is an Indian Government, whereas the Dominion Government is a Central Government. The Joint Secretary to the Government of India had passed this order which has no authority by law to pass the order under section 9(5) of the Indian Independence Act 1947. These unlawful acts of the Indian Government show that the authorities of the Indian Government are illegally interfering in the political and constitutional arrangements made under the British laws and political policies of the British Government. In such an illegal process, the administration of Manipur State was immediately taken over by the Indian Army Officer Major General Rawal Amar Singh by passing order No. 0002/C.C. in October 1949 by the Office of the Chief Commissioner of Manipur. And further, in the violation of Section 9(5) of the Indian Independence Act 1947, India (Provisional Constitution)Order 1947, Order in Council of 1946, bilateral agreements of 1947 and India (Consequential Provision) Act 1949, the Indian Governor-General of the Dominion of India C. Rajagopalachari passed the States' Merger (Chief Commissioners' Provinces) Order 1950 on 22 January 1950. An independent political State of Manipur was illegally and forcibly annexed to India by order of the Indian Governor-General of the Dominion of India, who has no authority by law to pass the order under section 9(5) of the Indian Independence Act 1947. In violation of section 1(3) of India (Consequential Provision) Act 1949, the excluded State of Manipur was included in India without the revocation of the Order in Council of His Majesty of 27 December 1946. By breaching the bilateral agreement of 1 and 2 July

1947, the territory of Manipur has been illegally annexed to India and Manipur has been occupied by Indian since 22 January 1950 while the Indian Independence Act 1947 and India (Provisional Constitution) Order 1947 were enforced and operated in India until repealed on 25 January 1950 by the Republic Constitution of India. Relations between States must be based on the principles of mutual respect, equality and non-interference in each other's internal affairs. It is a great threat to the territorial integrity and sovereignty of the politically independent State of Manipur. The payment of Kabaw Valley compensation was also interrupted. Burma is paying the Kabaw Valley compensation to Manipur under the agreement of 1 July 1947; now, Myanmar, through India, has been stopped by the Indian Government. Before the agreement of 1 July 1947 between the British and Manipur, the compensation for the Kabaw Valley had been paid by the British Government to the Manipur Government.

With finding every political, constitutional and legal fact and virtual reasons, and consideration into the limitation of powers and duties of the Indian Government and C. Rajagopalachari, the Governor-General of the Dominion of India under the British law and Charter of the United Nations, everyone is subject to the law and to the purpose of the United Nations and International Law, the formation of the Manipur State Council, which is a de jure Government by the State authorities under the Manipur State Constitution Act 1947 and under the Manipur State Administration Rules 1947, was the immediate step for upholding, preserving and safeguarding the sovereignty of the State and political rights and human rights of the people of Manipur. And by exercising the constitutional authority under Section 57 of the Manipur State Constitution Act 1947, the Manipur State Council could refer the constitutional matter of the

Manipur State to His Majesty or His Majesty in Council for restoration of her de facto sovereignty from the hands of the Indian Government. Therefore, the Manipur State Council was formed on 14 March 2012 under the Manipur State Administration Rules 1947 for the administration of Manipur State. It is also a fact that the State cannot and does not exist without a government, no matter what form a government may assume.

The illegal orders of the Indian Government and the Governor-General of the Dominion have been dismissed and rejected by a resolution of the Manipur State Council, as the sovereign gave the order and received orders from none, States are equal, and sovereigns are equal. Under the principle of sovereignty equality of States, each State is independent of other States, and they are equal sovereign States. We have a political system to rule the Manipur State. Our constitution is the supreme authority for the governance and administration of the State. Our constitution gives rights, authority and power for the governance of the State of Manipur. The codified Manipur State Constitution Act 1947 was enacted by His Highness the Maharaja Bodhchandra as a sovereign authority on 1 January 1947 while the Crown paramountcy was in operation in Manipur State and India. It is also a fact that the de jure government is a legitimate government in the eyes of international law, and it is known to lawyers. Manipur State Council is His Highness's Government. We are the Ministers of His Highness. The Chief Minister is the Chief Executive of the State. We, the Ministers of the de jure Government of Manipur, have the constitutional authority and responsibility to bring peace, security and progress to my country. As such, we immediately needed a constitutional Government to be formed by exercising franchise and suffrage of the people of Manipur under

the Manipur State Constitution Act 1947 for the governance of my princely State. It is our political and constitutional right, birthrights and legitimate rights.

We, therefore, unilaterally declared the independence of Manipur from India by forming the Manipur State Council on 14 March 2012 in Manipur, and further, we immediately made a formal announcement of this deceleration before international media in London on 29 October 2019 at 2.00 pm (GST) to reach out the message of the independence of Manipur to all the sovereign countries or States of the members of the United Nations. These are the legal duties, legal responsibilities, and legal rights of the people of Manipur. Our unilateral declaration and de jure government connect with the spirit of the State Constitution Act 1947, and the State Administration Rules 1947 of the Manipur State and international laws and UN Charters. It is also a fact that the government can change, and the government can be replaced by others as practices.

Accordance with international law of the unilateral declaration of independence in respect of Kosovo:

“The International Court of Justice (ICJ) has concluded that the adoption of the declaration of independence of 17 February 2008 did not violate general international law, Security Council resolution 1244 (1999) or the constitutional framework. Consequently, the adoption of that declaration did not violate any applicable rule of international law.”

In the case of Kosovo independence declaration, Mr. President, Members of the Court, it was argued that the absence of reaction of the Security Council after independence was declared could be interpreted as an acknowledgement

from the part of the Council or the international community in general- that secession did not breach any international law rules. Let us look at the sources of international law enumerated in Article 38 (2). No one has said that Kosovo's Declaration is prohibited by a particular treaty, comparable to the Cyprus Treaty of Guarantee which forbids separation of any part of Cyprus. So that source of law is not at issue.

To conclude, there is no basis for asserting a new rule of international law prohibiting declarations of independence as such. **United Nations Permanent Court of Justice** decided that "**there is nothing in international law that prohibits the declaration of independence.**"

According to international law, even though a State and its territory are often seen as synonymous, a State exists only by law. It must, therefore, act through its government. One must not confuse recognition of the States with that of governments. In itself, a change of government does not affect the State. The State cannot and does not exist without a government, no matter what form a government may assume. An established State does not lose its Statehood when it no longer has an effective government. Even when the change of government has been brought about by unconstitutional or violent means, the legal personality of the State is unaffected (as are treaties to which the State is bound). The State has authority inherent in itself. The question of recognition of a government arises only when it has come to power unconstitutionally.